

# **EXHIBIT C**

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1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION  
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5 IN RE: HIGH-TECH EMPLOYEE )  
6 ANTITRUST LITIGATION ) No. 11-CV-2509-LHK  
7 -----  
8  
9 -HIGHLY CONFIDENTIAL-

10 VIDEOTAPED DEPOSITION OF EDWARD LEAMER  
11 San Francisco, California  
12 Tuesday, June 11, 2013  
13 Volume II  
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20  
21 Reported by:  
22 ASHLEY SOEVYN  
23 CSR No. 12019  
24 Job No. 1682449  
25 Pages 477 - 856

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1	that these were extremely important.	17:36:11
2	MR. MITTELSTAEDT: In each respect -- I	17:36:13
3	move to strike that as nonresponsive. I've got	17:36:13
4	three questions that I have left and I'm going to	17:36:15
5	stay here and insist that the witness answer them	17:36:18
6	because he's taking up our time. I'm not going to	17:36:18
7	take up any more time with that. So I --	17:36:18
8	MR. GLACKIN: If we can just calm	17:36:18
9	everything down and, you know, proceed with a --	17:36:18
10	some lowered voices in a more measured way, I think	17:36:18
11	that everyone will be happier. I'm detecting a lot	17:36:40
12	of emotion on the other side of the table.	17:36:43
13	MR. HINMAN: Okay. Well, I don't mean to	17:36:54
14	convey that, then.	17:36:58
15	So, I lost my place. Give me a second.	17:36:58
16	MR. GLACKIN: You just read the part that	17:36:58
17	he agreed what he said before in this deposition.	17:36:59
18	BY MR. HINMAN:	17:37:01
19	Q. Yeah, yeah. And then also with respect to	17:37:01
20	the agreements themselves, you also understand that	17:37:04
21	those companies could all recruit from each other in	17:37:08
22	every other way except for cold calling; is that --	17:37:13
23	A. I understand that.	17:37:15
24	Q. So let me go back to my question, then.	17:37:19
25	There was a lot of rain, to use your analogy, that	17:37:21

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1 was falling during the class period, right? 17:37:24  
2 MR. GLACKIN: Object to the form. 17:37:27  
3 THE WITNESS: Well, yes. 17:37:28  
4 BY MR. HINMAN: 17:37:30  
5 Q. And -- 17:37:30  
6 A. But it's not the same rain. 17:37:31  
7 Q. -- you would agree with me that in 17:37:32  
8 percentage terms at the margin, the additional 17:37:34  
9 number of drops that would have fallen without these 17:37:37  
10 agreements was very small, right? 17:37:40  
11 A. I don't agree with the implication of that. 17:37:43  
12 You think these channels were identical in terms of 17:37:46  
13 information contact. Channels that were blocked 17:37:48  
14 were identical to these outside channels. And I see 17:37:52  
15 no evidence of that. I see the opposite evidence, 17:37:54  
16 which is these agreements are put in place in order 17:37:57  
17 to have an effect on the firms. 17:38:01  
18 Q. Would you agree that -- 17:38:02  
19 A. Well, I -- 17:38:05  
20 Q. Are you -- is it your testimony that the 17:38:06  
21 incremental amount of rain would have been 17:38:08  
22 significant? 17:38:13  
23 A. Well, I think through this -- 17:38:13  
24 MR. GLACKIN: Object to form. 17:38:15  
25 THE WITNESS: -- plenty other times, but 17:38:16

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1	there's a quotation that you've seen from Joe	17:38:16
2	Stiglitz that says that things in the competitive	17:38:20
3	market and information market, is that small changes	17:38:22
4	in information flow can have dramatic impacts on the	17:38:26
5	equilibrium. And so the answer is --	17:38:31
6	BY MR. HINMAN:	17:38:31
7	Q. Sorry.	17:38:34
8	A. -- these raindrops that you think of as	17:38:34
9	small in terms of the total number of raindrops,	17:38:37
10	they are potentially important for two reasons. One	17:38:37
11	is that these firms chose to interfere in these	17:38:41
12	specific channels. And, secondly, the information	17:38:45
13	economics allows for what seemed like small changes	17:38:48
14	in the informational flow to have large impacts on	17:38:52
15	the equilibrium.	17:38:56
16	Q. Again, what evidence have you seen --	17:38:59
17	textual evidence have you seen of water cooler chat	17:39:03
18	that you've described leading to increased	17:39:06
19	compensation for anyone? Have you seen any?	17:39:10
20	MR. GLACKIN: Object to the form.	17:39:16
21	THE WITNESS: I haven't seen that sequence.	17:39:18
22	Are you talking about a specific water cooler chat	17:39:19
23	followed by specific chain of conversation? I've	17:39:23
24	not seen that in the documents that are	17:39:26
25	referenced.	17:39:28

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1	BY MR. HINMAN:	17:39:28
2	Q. Have you seen any evidence in the	17:39:28
3	documentary record of the manager to manager	17:39:30
4	propagation that you testified to earlier? Do you	17:39:34
5	want me to rephrase that?	17:39:39
6	A. No.	17:39:43
7	Q. Okay.	17:39:44
8	A. I'm trying to think if there is that.	17:39:46
9	Q. Okay.	17:39:48
10	A. It just seems to me there are so many of	17:39:51
11	the HR documents and so much testifying from the HR	17:39:53
12	personnel that the -- that the manager to manager is	17:39:58
13	not necessarily the main conduit by which this thing	17:40:02
14	is -- has an impact on compensation, although it	17:40:06
15	could be a conduit.	17:40:09
16	Q. Okay. Well, okay. So let's unpack that.	17:40:11
17	You don't cite any evidence of manager to manager	17:40:15
18	propagation in your report, do you?	17:40:18
19	A. No, I do not.	17:40:20
20	Q. And now you say it could be significant,	17:40:23
21	but you don't know whether it is or maybe something	17:40:24
22	else is more significant. What's the most	17:40:27
23	significant --	17:40:30
24	A. What's the most significant?	17:40:31
25	Q. -- mechanism for the propagation of the	17:40:34

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1 STATE OF CALIFORNIA ) ss:

2 COUNTY OF MARIN )

3  
4 I, ASHLEY SOEVYN, CSR No. 12019, do hereby  
5 certify:

6 That the foregoing deposition testimony was  
7 taken before me at the time and place therein set  
8 forth and at which time the witness was administered  
9 the oath;

10 That the testimony of the witness and all  
11 objections made by counsel at the time of the  
12 examination were recorded stenographically by me,  
13 and were thereafter transcribed under my direction  
14 and supervision, and that the foregoing pages  
15 contain a full, true and accurate record of all  
16 proceedings and testimony to the best of my skill  
17 and ability.

18 I further certify that I am neither counsel for  
19 any party to said action, nor am I related to any  
20 party to said action, nor am I in any way interested  
21 in the outcome thereof.

22 IN THE WITNESS WHEREOF, I have transcribed my  
23 name this 17th day of June, 2013.

24  
25   
ASHLEY SOEVYN, CSR 12019

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